



N A R U C
National Association of Regulatory Utility Commissioners

March 8, 2011

Honorable Lee Hamilton
Lieutenant General Brent Scowcroft
Co-Chairman
Blue Ribbon Commission on America's
Nuclear Future
1000 Independence Ave. SW
Washington, DC 20585

Re: Long-Term Storage of Used Nuclear Fuel

Dear Co-Chairman Hamilton and
Co-Chairman Scowcroft:

As the Blue Ribbon Commission deliberates in preparation for the draft report this summer, the National Association of Regulatory Utility Commissioners (NARUC) would like to supplement its views provided to the BRC by Michigan Public Service Commissioner Greg White on May 25, 2010. As the attached resolution adopted by NARUC on February 17, 2011 states, there have been two recent actions taken that could leave the impression that spent/used nuclear fuel can be stored at present operating and decommission reactor sites for up to 100 years, as though engineering and safety considerations were the primary factors. Our resolution emphasizes what the Department of Justice participant in the BRC meeting on February 1, 2010 informed the Commission that the government liability for continued failure to accept spent fuel as agreed in the standard contracts with owners of the fuel is \$16.2 billion and the Department of Energy estimates that figure could grow by \$500 million for each additional year of delay past 2020.

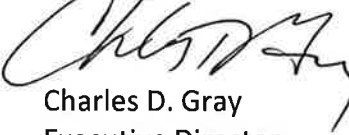
We realize that it is not the concern of the Nuclear Regulatory Commission in its Waste Confidence decision to draw a distinction between the extended storage at reactor sites or at some yet-to-be central or regional interim storage facility. The MIT Study, briefed to the BRC last September, edges closer to recommending that the U.S. "should move toward centralized SNF storage sites," yet the study says managed storage can be done safely – "for about a century"—at operating reactor sites, centralized storage facilities or geologic repositories designed for retrievability, suggesting all of those scenarios are equally satisfactory.

Yet, the Commission was presented a letter from 168 groups at the November 15,16 meeting supporting "hardened on site storage (HOSS)" at present storage sites for what they considered a one hundred year temporary solution. That is not what the Nuclear Waste Policy Act sets forth nor does it fulfill the obligations of the contracts agreed to in 1983.

Given that NARUC opposes long term storage at most existing reactor sites and either further delay of Yucca Mountain or start over for a replacement repository – both decades away—what are we for? We have supported central interim storage since the 1990's and, like so many others familiar with the situation, we believe we should get started with a fast-track central storage solution for the spent fuel from the decommissioned reactor sites. With the flaws in the Nuclear Waste Fund, we would not support its use to develop recycling. Recycling should meet marketplace conditions unless there are some broad policy objectives that are matched with national will and resource commitments that should not have to be borne by ratepayers. Finally, most who have testified before the Commission seem to agree we need a geologic repository for the Defense waste and some portion of the spent fuel inventory or radionuclides derived from it and that such a facility be developed in an improved process, possibly by a new enterprise.

Thank you for the opportunity to contribute these viewpoints.

Sincerely,

A handwritten signature in black ink, appearing to read 'Charles D. Gray', written over a horizontal line.

Charles D. Gray
Executive Director

Cc: Secretary of Energy

***Resolution Expressing Disagreement with the Opinions that Spent Nuclear
Fuel Should be Stored at Reactor Sites for 100 Years***

WHEREAS, The Nuclear Waste Policy Act (NWPA) of 1982 found that previous federal efforts to devise a permanent solution for the problem of civilian (and defense) radioactive waste disposal “have not been adequate;” *and*

WHEREAS, The NWPA set the policy direction of disposal in a geologic repository, later selected in 1987 and re-affirmed in 2002 to be at Yucca Mountain, Nevada; *and*

WHEREAS, President Obama has decided that building a repository at Yucca Mountain is “not a workable option” and has taken steps to cancel further development of that site, leaving no clear alternative disposal path for spent-or used-nuclear fuel now stored at 72 locations with active and decommissioned reactors; *and*

WHEREAS, A Blue Ribbon Commission on America’s Nuclear Future has been appointed at the President’s direction to review alternative waste management and disposal alternatives and recommend a new disposition strategy; *and*

WHEREAS, Several developments may have the unintended consequence of implying that spent-nuclear fuel should remain at reactor storage sites for an extended period of time:

- A. The Nuclear Regulatory Commission issued a revised Waste Confidence Rule that the Commission has confidence that spent-nuclear fuel can be safely stored at either reactor sites or offsite for at least 60 years beyond the licensed life of the reactor.
- B. A report on the Future of the Nuclear Fuel Cycle study by an MIT team stated that “long-term managed storage of spent-nuclear fuel ... is believed to be safe for about a century,” while recommending a “move toward” centralized storage.
- C. A member of the Blue Ribbon Commission at an early meeting said, “There is no crisis here,” suggesting that spent fuel can be safely stored where it is for decades;
- D. Several groups appearing before the Blue Ribbon Commission over the past year who oppose Yucca Mountain have called for spent fuel to remain at reactor sites; *and*

WHEREAS, Long-term storage at reactor sites may have validity from engineering and safety standpoints, but it overlooks the facts that the federal government has been found financially liable and an estimate of that liability was last calculated to be over \$16.2 billion and would grow by \$500 million for each additional year of delay past 2020; *now, therefore be it*

RESOLVED, That the Board of Directors of the National Association of Regulatory Utility Commissioners, convened at its 2011 Winter Committee Meetings in Washington, D.C., considers that continued storage at reactor sites for an indefinite period is not what was planned when the reactors were built and runs counter to the NWPA; *and be it further*

RESOLVED, That the federal government must honor its obligations under the NWPA to dispose of spent-nuclear fuel in a permanent repository at the earliest possible date consistent with laws and regulations; *and be it further*

RESOLVED, That NARUC leadership conveys its position to the Secretary of Energy, the NRC, and the Blue Ribbon Commission that storage of spent fuel at reactor sites for up to one hundred years is not consistent with the Nuclear Waste Policy Act.

*Sponsored by the Committees on Electricity and Energy Resources and the Environment
Adopted by the NARUC Board of Directors February 16, 2011*